

### **REMARKS**

This responds to the Office Action mailed on October 26, 2006.

Claim 1 is amended; claims 2, 4-5, 7-23, and 25-27 are canceled; and claims 28 and 29 are added. As a result, claims 1, 28, and 29 are now pending in this application.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

#### **Amendments to Claim 1**

Claim 1 has been amended.

Independent claim 1 has been amended by adding "wherein the location is a specific room"; by adding "including a specific time when the mobile device is to be in the specific room"; by adding "wherein determining the at least two presence rules comprises querying the mobile device for the at least two presence rules"; by adding "first and second"; by adding "including whether the mobile device is inside or outside of the specific room at the current time"; by adding "wherein the current location of the mobile device is determined using a hotspot-access point with which the mobile device communicates"; by adding "wherein if the mobile device is inside the specific room at the current time, indicating that the mobile device should not be disturbed; and"; and by adding "wherein if the mobile device is outside the specific room at the current time, indicating that the mobile device is available".

Support for this language may be found, for example, in claims 2, 19, and 21 of the original disclosure, and at page 15, lines 12-20. No new matter has been added.

#### **New Claims 28 and 29**

New claims 28 and 29 have been added.

Claim 28 recites that the specific room is a meeting room. Claim 28 recites that the specific room is a movie theater.

Support for this language may be found, for example, on page 15, lines 16-20, and on page 16, lines 16-19. No new matter has been added.

**Rejection of Claims 1, 5, 7, 9, 11, 12, 14-22, and 25-27 under 35 U.S.C. §102(b)  
as Anticipated by Silver**

Claims 1, 5, 7, 9, 11, 12, 14-22, and 25-27 were rejected under 35 U.S.C. §102(b) as being anticipated by Silver (*Unified Network Presence Management White Paper*).

Claims 5, 7, 9, 11, 12, 14-22, and 25-27 have been canceled.

Only independent claim 1 and new dependent claims 28 and 29 are pending.

The rule under 35 U.S.C. §102 is well settled that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

Silver does not appear to disclose all of the structural elements recited in independent claim 1, as currently amended. For example, Silver does not appear to disclose *inter alia* “determining at least two presence rules, wherein each presence rule comprises at least a condition and a state, wherein a first condition is based on a location of a mobile device, wherein the location is a specific room, and wherein a second condition is based on a calendar, including a specific time when the mobile device is to be in the specific room”.

Nor does Silver appear to disclose *inter alia* “determining whether the first and second conditions are met, including whether the mobile device is inside or outside of the specific room at the current time” and “wherein if the mobile device is inside the specific room at the current time, indicating that the mobile device should not be disturbed; and wherein if the mobile device is outside the specific room at the current time, indicating that the mobile device is available”.

Claim 1, as amended, recites in effect a logical “override” of one presence rule by another, as discussed on page 15, lines 12-20 of Applicants’ written description. That is, even though a condition (i.e., a specific time when the mobile device is expected to be in a specific room, according to a calendar) in the second presence rule is satisfied, if a condition (i.e., the mobile device actually being within the specific room) in the first presence rule is not satisfied, the resultant state returned is “available” rather than “do not disturb”.

For the above reasons, independent claim 1, and new dependent claims 28 and 29, should be found to be allowable over Silver, and Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §102(b) as anticipated by Silver be withdrawn.

**Rejection of Claims 1, 7, 12, 18, and 22 under 35 U.S.C. §103(a)  
as Unpatentable over Silver**

Claims 1, 7, 12, 18, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Silver.

Claims 7, 12, 18, and 22 have been canceled.

Only independent claim 1 and new dependent claims 28 and 29 are pending.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

As asserted in Applicants' response to the §102 rejection above, Silver fails to disclose all of the structural elements recited in independent claim 1, as currently amended.

For the above reasons, independent claim 1, and new dependent claims 28 and 29, should be found to be allowable over Silver, and Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §103(a) as unpatentable over Silver be withdrawn.

**Rejection of Claims 2, 4, 8, 10, 13, and 23 under 35 U.S.C. §103(a)  
as Unpatentable over Silver in View of Forssen and Smyth**

Claims 2, 4, 8, 10, 13, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Silver and further in view of Forssen et al. (U.S. 6,031,490) and Smyth et al. (U.S. 6,347,224).

Claims 2, 4, 8, 10, 13, and 23 have been canceled, so this rejection is moot.

**Additional Elements and Limitations**

Applicants consider additional elements and limitations of the claims to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

**Conclusion**

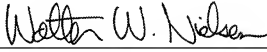
Applicants respectfully submit that claims 1, 28, and 29 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Applicants' below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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